

Brunswick Planning Commission

Minutes

March 2, 2005

Commission Members Present: Chair Ed Gladstone, Council Liaison Walt Stull, Wayne Dougherty, and Ellis Burruss, Alternate

Mayor & Council Present: None.

Staff Present: City P & Z Administrator Rick Stup and Development Review Planner Jeff Love.

Chairman Gladstone called the re-scheduled February Meeting to order at 7:00 PM.

Minutes

The minutes of the November 22, 2004 meeting and February 15, 2005 workshop were reviewed and approved with minor corrections to be made by Staff. (MOTION by Mr. Burruss and seconded by Mr. Dougherty unanimously passed.)

Chairman

Mr. Gladstone requested all those in attendance who were going to speak on any of the cases, to rise and be sworn in. None were present to administer the oath.

Mr. Stup identified the information distributed on the dais. A letter from Sigler Construction with regards to sidewalk construction on a Lot of Record was presented as information of non-compliance with the Planning Commission Policy for sidewalk construction. Also, e-mail comments on the proposed Zoning Ordinance and Subdivision Regulations were distributed. Carole Larsen's minor comments that could be addressed were already corrected. David Adams comments from Staff's perspective were out of order since they didn't pertain to the specific draft revisions but were new revisions and a new development zone. The process for amendment proposals was explained to the Commission and these comments/requests were more appropriate for an applicant's submission of proposed amendments in accordance with the Zoning Ordinance.

At Mr. Gladstone's request, Mr. Stup introduced Jeff Love the new Development Review Planner.

Also, Mr. Stup requested that the Commission Members review the contact information distributed in the Agenda Package and e-mail contact information to him. The information was for Staff use only and wouldn't be distributed. It should include e-mail address and cell phone number.

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Old Business - None

Mr. Burruss recused himself from the next case and departed the room.

New Business

Subdivision – Addition Plat

Lot 2 Addition to Lot 1, Real Estate & Improvement Company's Subdivision of Part of Brunswick – Request for Addition Plat to add Lot 2 to Lot 1: Located in the Northeast Quadrant of the intersection of East Potomac Street and First Avenue. Zoning Classification: B-3; Water and Sewer Classification: W-1, S-1; BR-AP-04-02-AP

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the addition of Lot 2 to Lot 1. He stated that there exists an encroachment issue with the existing structure. Generally, in cases where these encroachments exist, the structures either need to be removed or land needs to be purchased to allow the structure to be on one property. In this case because of the existing business occupying the structure, the Board of Appeals and the Planning Commission allowed the building to remain until the current business proprietor ceases operation. At that point, the property owner has one (1) year to demolish the structure, which must be noted on the Addition Plat.

He further stated that the plat was revised to address Staff and Agency comments. However, there still remain several minor changes that are required. The following items remain to be addressed:

1. Need existing building extent of encroachment into the right-of- way of First Avenue leadered.
2. Delete the proposed Canopy Easement.
3. Ghost original Lot 1 and Lot 2 titles.
4. Delete note 5.
5. Amend Note 6 to be note number 5.
6. Add Street Address, 101 East Potomac Street to title and on drawing in the vicinity of new lot number.

Staff recommends approval of the Addition Plat in accordance with the Staff Report and with the following conditions:

1. The Water and Sewer Note must be added to state, "This lot is to be served by City of Brunswick Water and Sewer when capacity is available in accordance with City Allocation Policy."

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2. Approval does not guarantee the allocation or availability of Water and Sanitary Sewer Taps.
3. Address additional Planning Staff Comments.
4. Address Agency Comments.
5. Applicant is bound by their testimony.

Mr. Stup answered Commission Questions with regard to the application and Staff Recommendation.

Applicant

No representatives present.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Dougherty made a motion to re-approve the Residential Site Plan and Improvement Plans in accordance with Staff Recommendation; Mr. Stull seconded the motion.

VOTE: Yea 3 Nay 0

Mr. Burruss re-entered the room.

Zoning/Subdivision – Text Amendments

Zoning Ordinance

Staff Draft revisions to the Zoning Ordinance: Articles 4, 5, 6, 7, 18, 19, 21 and 24 for a recommendation to the Mayor and Council. BR-ZO-05-01-TA

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the proposed amendments to the Zoning Ordinance.

Staff recommends approval of the proposed amendments. Staff further recommends that a recommendation of approval be forwarded to the Mayor and Council as part of the Staff Report.

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Mr. Stup answered Commission Questions with regard to the proposed amendments and Staff Recommendation to include specific discussions with regard to Sidewalk Construction, Parking, Industrial Performance Standards, and Live Entertainment.

Applicant

None since the Staff is the Applicant.

Public Comment

Mr. Gladstone administered the oath to Mr. Adams in order for his testimony to be allowed.

Mr. David Adams, VanMar Associates, presented written and verbal comments, which included the request for inclusion of a new Downtown Light Industrial Zone.

The Commission asked questions to include how many properties could benefit the proposal.

At the Chairs request, Mr. Stup responded to the comments and again explained that the amendments to both the Zoning Ordinance and Subdivision regulations were not meant to be a comprehensive revision but staff's attempt to clean up some areas that cause administrative and Land Use Law problems, and propose regulations for types of development that there have been inquiries and there was a void in the current regulations. It was felt that the comments and proposal was out of order for the item on the agenda. He also, indicated that for the most part the Downtown/Main Street Area had not been addressed because the Main Street Committee was developing proposals through their Design sub-committee, and Staff wanted to see and discuss their proposals for revisions. It was also stated that the applicant in accordance with the Amendment Section of the Zoning Ordinance could submit the proposed new zone if they wanted to proceed prior to any Main Street Recommendations.

Rebuttal

None.

Decision

Mr. Burruss made a motion to approve the amendments in accordance with Staff Recommendation; Mr. Dougherty seconded the motion.

VOTE: Yea 4 Nay 0

Subdivision Regulations

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Staff Draft revisions to the Subdivision Regulations: Articles 2, 3, 4, and 5 for a recommendation to the Mayor and Council. BR-SR-05-01-TA

Staff Presentation and Recommendation

Mr. Stup presented the Staff Report for the proposed amendments to the Subdivision Regulations.

Staff recommends approval of the proposed amendments. Staff further recommends that a recommendation of approval be forwarded to the Mayor and Council as part of the Staff Report.

Mr. Stup answered Commission Questions with regard to the proposed amendments and Staff Recommendation.

Applicant

None since the Staff is the Applicant.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Dougherty made a motion to approve the amendments in accordance with Staff Recommendation; Mr. Burruss seconded the motion.

VOTE: Yea 4 Nay 0

APFO – County

Review of the proposed Frederick County Builders Association amendment of the County APFO with regard to Schools for recommendation to the Mayor & Council.

Mr. Stup presented the Staff Report for the proposed amendment to the County APFO.

Staff recommends that the Planning Commission forward a Denial Recommendation to the Mayor and Council for the following reasons:

1. The proposed amendment undermines the intent of the APFO School Test.
2. It places the County in a situation that may require diverting funding for smaller School Feeder Pattern to areas that were permitted to use the buy-out.

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3. It could require smaller jurisdictions with APFO to consider an amendment to their Ordinance to allow for similar exceptions to be able to continue to grow.
4. The City's ability to execute its Master Plan appears would be compromised.
5. It has the potential to further over crowd Brunswick High School Feeder from areas outside the Municipal Limits intended to be axed for future growth of the City.

Staff further recommends the recommendation be forwarded to the Mayor and Council as part of the Staff Report.

Mr. Stup answered Commission Questions with regard to the proposed amendment and Staff Recommendation.

Applicant

None since the request was from Frederick County for comments.

Public Comment

None.

Rebuttal

None.

Decision

Mr. Burruss made a motion to approve the amendments in accordance with Staff Recommendation; Mr. Stull seconded the motion.

VOTE: Yea 4 Nay 0

Public Comment

Mr. Stup informed the Commission that there would be a meeting on March 28 with the County's draft Hazard Mitigation Plan on the agenda.

Adjournment

The meeting was adjourned at 8:40 PM.

Respectfully submitted,

Edward Gladstone, Chair
Brunswick Planning Commission